



ACQUISITION AND  
TECHNOLOGY

## THE UNDER SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-3010

JUL 14 2000

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN, JOINT CHIEFS OF STAFF  
COMMANDER IN CHIEF, US CENTRAL COMMAND  
COMMANDER IN CHIEF, US EUROPEAN COMMAND  
COMMANDER IN CHIEF, US JOINT FORCES COMMAND  
COMMANDER IN CHIEF, US PACIFIC COMMAND  
COMMANDER IN CHIEF, US SOUTHERN COMMAND  
COMMANDER IN CHIEF, US SPECIAL OPERATIONS  
COMMAND  
COMMANDER IN CHIEF, US TRANSPORTATION COMMAND  
DIRECTOR DEFENSE LOGISTICS AGENCY  
DIRECTOR NATIONAL GUARD BUREAU

SUBJECT: Executive Order 13112, "Invasive Species"

President Clinton signed the Executive Order (EO) on Invasive Species on February 3, 1999 (attachment 1). The EO establishes federal agency responsibilities for the identification and management of Invasive Species. It also establishes a National Invasive Species Council, and requires a National Management Plan with performance-oriented goals and objectives and specific measures of success. Attachment 2 is a summary Fact Sheet on the negative impact resulting from the importation and introduction of non-native Invasive Species into our land and water ecosystems in the United States.

The DoD shall implement compliance with this EO at all operational levels. To the extent practicable and permitted by law, the Components, Agencies and Unified Commands shall incorporate EO provisions into existing Operational and Transportation plans and policies to prevent the importation and introduction of Invasive Species and into Integrated Natural Resource Management Plans, Integrated Pest Management Plans, etc for the control of Invasive Species. The Components shall also take into consideration the terms of the EO in future plans, programs and budgets, using existing funding mechanisms.

We need your help in preparing the DoD input for the development of the National Invasive Species Management Plan. By July 31, 2000, please use the guidance in attachment 3 to provide your Component specific information as outlined in attachment 4.

J. S. Gansler



## Presidential Documents

6183 Federal Register / Vol. 64, No. 25 / Monday, February 8, 1999 / Presidential Documents

### Executive Order 13112 of February 3, 1999

#### Invasive Species

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4701 et seq.), Lacey Act, as amended (18 U.S.C. 42), Federal Plant Pest Act (7 U.S.C. 150aa et seq.), Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801 et seq.), Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), and other pertinent statutes, to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause, It is ordered as follows:

#### Section 1. Definitions.

- (a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.
- (b) "Control" means, as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.
- (c) "Ecosystem" means the complex of a community of organisms and its environment.
- (d) "Federal agency" means an executive department or agency, but does not include independent establishments as defined by 5 U.S.C. 104.
- (e) "Introduction" means the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity.
- (f) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.



(g) "Native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(h) "Species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(i) "Stakeholders" means, but is not limited to, State, tribal, and local government agencies, academic institutions, the scientific community, non-governmental entities including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

(j) "United States" means the 50 States, the District of Columbia, Puerto Rico, Guam, and all possessions, territories, and the territorial sea of the United States.

## **Sec. 2. Federal Agency Duties.**

(a) Each Federal agency whose actions may affect the status of invasive species shall, to the extent practicable and permitted by law,

(1) identify such actions;

(2) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to:

(i) prevent the introduction of invasive species;

(ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner;

(iii) monitor invasive species populations accurately and reliably;

(iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded;

(v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and

(vi) promote public education on invasive species and the means to address them; and

(3) not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

(b) Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council, consistent with the Invasive Species Management Plan and in cooperation with stakeholders, as appropriate, and, as approved by the Department of State, when Federal agencies are working with International organizations and foreign nations.

### **Sec. 3. Invasive Species Council.**

(a) An Invasive Species Council (Council) is hereby established whose members shall include the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency. The Council shall be Co-Chaired by the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce. The Council may invite additional Federal agency representatives to be members, including representatives from subcabinet bureaus or offices with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation. The Secretary of the Interior shall, with concurrence of the Co-Chairs, appoint an Executive Director of the Council and shall provide the staff and administrative support for the Council.

(b) The Secretary of the Interior shall establish an advisory committee under the Federal Advisory Committee Act, 5 U.S.C. App., to provide information and advice for consideration by the Council, and shall, after consultation with other members of the Council, appoint members of the advisory committee representing stakeholders. Among other things, the advisory committee shall recommend plans and actions at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order. The advisory committee shall act in cooperation with stakeholders and existing organizations addressing invasive species. The Department of the Interior shall provide the administrative and financial support for the advisory committee.

**Sec. 4. Duties of the Invasive Species Council.** The Invasive Species Council shall provide national leadership regarding invasive species, and shall:



(a) oversee the implementation of this order and see that the Federal agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective, relying to the extent feasible and appropriate on existing organizations addressing invasive species, such as the Aquatic Nuisance Species Task Force, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Committee on Environment and Natural Resources;

(b) encourage planning and action at local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the Management Plan in section 5 of this order, in cooperation with stakeholders and existing organizations addressing invasive species;

(c) develop recommendations for international cooperation in addressing invasive species;

(d) develop, in consultation with the Council on Environmental Quality, guidance to Federal agencies pursuant to the National Environmental Policy Act on prevention and control of invasive species, including the procurement, use, and maintenance of native species as they affect invasive species;

(e) facilitate development of a coordinated network among Federal agencies to document, evaluate, and monitor impacts from invasive species on the economy, the environment, and human health;

(f) facilitate establishment of a coordinated, up-to-date information-sharing system that utilizes, to the greatest extent practicable, the Internet; this system shall facilitate access to and exchange of information concerning invasive species, including, but not limited to, information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental, and human health impacts; management techniques, and laws and programs for management, research, and public education; and

(g) prepare and issue a national Invasive Species Management Plan as set forth in section 5 of this order.

#### **Sec. 5. Invasive Species Management Plan.**

(a) Within 18 months after issuance of this order, the Council shall prepare and issue the first edition of a National Invasive Species Management Plan (Management Plan), which shall detail and recommend performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species. The Management Plan shall recommend specific objectives and measures for carrying out each of the Federal agency duties established in section 2(a) of this order and shall set forth steps to be taken by

the Council to carry out the duties assigned to it under section 4 of this order. The Management Plan shall be developed through a public process and in consultation with Federal agencies and stakeholders.

(b) The first edition of the Management Plan shall include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, and shall identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures shall provide for a science-based process to evaluate risks associated with introduction and spread of invasive species and a coordinated and systematic risk-based process to identify, monitor, and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by current law, the Council shall develop and recommend to the President through its Co-Chairs legislative proposals for necessary changes in authority.

(c) The Council shall update the Management Plan biennially and shall concurrently evaluate and report on success in achieving the goals and objectives set forth in the Management Plan. The Management Plan shall identify the personnel, other resources, and additional levels of coordination needed to achieve the Management Plan's identified goals and objectives, and the Council shall provide each edition of the Management Plan and each report on it to the Office of Management and Budget. Within 18 months after measures have been recommended by the Council in any edition of the Management Plan, each Federal agency whose action is required to implement such measures shall either take the action recommended or shall provide the Council with an explanation of why the action is not feasible. The Council shall assess the effectiveness of this order no less than once each 5 years after the order is issued and shall report to the Office of Management and Budget on whether the order should be revised.

#### **Sec. 6. Judicial Review and Administration.**

(a) This order is intended only to improve the internal management of the executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.

(b) Executive Order 11987 of May 24, 1977, is hereby revoked.

(c) The requirements of this order do not affect the obligations of Federal agencies under 16 U.S.C. 4713 with respect to ballast water programs.



(d) The requirements of section 2(a)(3) of this order shall not apply to any action of the Department of State or Department of Defense if the Secretary of State or the Secretary of Defense finds that exemption from such requirements is necessary for foreign policy or national security reasons.

William J. Clinton  
THE WHITE HOUSE,  
February 3, 1999.

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# INVASIVE SPECIES FACT SHEET

## Summary

Invasive species are reducing the economic productivity and the ecological integrity of our nation's lands and waters. The rate of introduction of such species has risen markedly in recent years with costs to our society growing commensurately. Invasive species harm native species and their habitats, renewable resources, and agriculture, and negatively impact a wide variety of human activities and needs. Threat to ecosystem health in the United States is particularly acute because we have more relatively intact ecosystems than most temperate countries.

Invasive species currently represent the second leading cause of habitat loss, which is the primary cause for species decline and extinction. As a steward of public lands, it is incumbent upon us to promote biodiversity conservation on DoD lands and waters consistent with our mission. It is DoD policy to maintain and restore native ecosystem types across their natural range of variation; to maintain or reestablish viable populations of all native species in an installation's area of natural habitat; and to maintain evolutionary and ecological processes. Invasive species have the potential to disrupt the natural environment and respect no political boundaries. Any action taken by DoD to prevent the spread of invasives will ultimately benefit the DoD and the nation by preventing loss of training opportunities through habitat degradation or species endangerment.

Through preserving biodiversity and fostering a healthy ecosystem, DoD maintains its access to valuable training lands and seas. Current programs address the military's role in the use of native species to rehabilitate and restore lands; the prevention and control of non-indigenous species introductions; the prevention and control of noxious weeds and invasive species; and the integrated management of pests.

## Major Aspects of New Invasive Species *Executive Order 13112*

**Purpose:** To prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. The EO addresses activities and legislation related to noxious weeds, aquatic nonindigenous species, and other pest species. See the related legal mandates listed below.

The EO directs Federal agencies to use their authorities to prevent the introduction of invasive species, and to control, monitor and restore native species. The EO also establishes a Federal interagency Invasive Species Council, co-chaired by the Secretaries of Interior, Agriculture, and Commerce. It also includes representatives from the Departments of State, Treasury, Defense, Transportation, and the EPA. **Executive Order Text Excerpt:**



- (a) *Each Federal agency whose actions may affect the status of invasive species shall to the extent practicable and permitted by law,*
- (1) *identify such actions;*
  - (2) *subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to:*
    - (i) *prevent the introduction of invasive species into ecosystems;*
    - (ii) *detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner;*
    - (iii) *monitor invasive species populations accurately and reliably;*
    - (iv) *provide for restoration of native species and habitat conditions in ecosystems that have been invaded;*
    - (v) *conduct research on invasive species and develop technologies to prevent introduction, and provide for environmentally sound control of invasive species; and*
    - (vi) *promote public education on invasive species and the means to address them.*
  - (3) *not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the U.S. or elsewhere...*
- (b) *Federal agencies shall pursue the duties set forth in this section in consultation with the Invasive Species Council, consistent with the Invasive Species Management Plan and in cooperation with stakeholders, as appropriate, and, as approved by the Department of State, when Federal agencies are working with international organizations and foreign nations.*

## **Legal Mandates**

*National Invasive Species Act of 1996 (NISA 16 U.S.C. SS 4701-4751) reauthorizes and amends the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990. Its goal is to prevent and control infestations of the coastal inland waters of the U.S. by the zebra mussel and other nonindigenous aquatic nuisance species, and other purposes. NISA also establishes the Armed Forces Ballast Water Management Program for the prevention of nonindigenous species introductions.*

**Federal Noxious Weed Act** of 1974 (7 U.S.C. SS 2801-2814, 19 U.S.C. SS 2112 note) controls and regulates the eradication of noxious weeds in interstate and foreign commerce.

**Federal Insecticide, Fungicide and Rodenticide Act** (FIFRA, 7 U.S.C. SS 136-136g) governs the use and application of pesticides.

**Endangered Species Act** (ESA, 16 U.S.C. SS 1531-1534) regulates federal actions that could affect endangered species.

**Lacey Act** (16 U.S.C. SS 667e, 701; 18 U.S.C. SS 42-44) covers the import, export, selling, acquiring, or purchase of fish, wildlife, or plants, and their parts or products, in violation of the Convention on International Trade in Endangered Species, United States, Indian, State, or foreign law.

**National Environmental Policy Act** (NEPA 42 U.S.C. SS 4321-4370b) governs federal actions with a significant effect on the environment.

## **Related Documents**

**Presidential Memorandum: "Environmentally and Economically Beneficial Practices on Federal Landscaped Grounds," April 26, 1994.** Directs federal agencies to use regionally native plants to help minimize the adverse effects that landscaping might have. It states that @the use of not only protects the our natural heritage and provides wildlife habitat, but also can reduce fertilizer, pesticides, and irrigation demands and their associated costs because native plants are suited to the local environment and climate.@

**Federal Register, Volume 60, page 40837, August 10, 1995.** Guidelines developed by the interagency working group under the direction of the Federal Environmental Executive to assist federal agencies in the implementation of environmentally and economically beneficial practices.



## SUMMARY OF EXISTING APPLICABLE DOD POLICY AND ACTIONS ON INVASIVE SPECIES

### Major DoD Program Areas that Address Invasive Species

Natural and Cultural Resources Program  
Integrated Pest Management Program  
Armed Forces Ballast Water Management Program  
Operations B Transportation

### Applicable DoD Policy

DoDI 4715.3 *Environmental Conservation Program* of 3 May 1996, addresses ecosystem management and biodiversity conservation, emphasizing related goals of maintaining and restoring native ecosystems, as well as viable populations of native species and maintaining ecological processes. The instruction also addresses integrating ecosystem conservation considerations into marine and ongoing operational plans.

DoDD 4715.1 *Environmental Security* of 24 Feb 1996 and DoDI 4150.7 *DoD Pest Management Program* of April 22, 1996 establish and assign responsibilities for a safe, effective, and environmentally sound integrated pest management program for the prevention or control of pests and disease vectors that may adversely impact readiness or military operations by affecting health of personnel or damaging structures, materiel or property. The directive requires compliance with applicable United States statutes, regulations, Executive orders, binding international agreements, other legal requirements, and United States environmental, safety, occupational health, explosives safety, fire and emergency services, and pest management policies.

DoD 4500.9-R *Defense Transportation Regulation Part III, Mobility of 11* April 1997 provides direction for the routine maintenance and washing of vehicles after field operations to remove mud/particulate matter which, in addition to extending the life of the vehicle, also prevents introduction of invasive or exotic species. The regulation requires conformance to customs requirements for international transport.

*Medical Service Quarantine Regulations of the Armed Forces* - SECNAVINST 6210.2A, AR 40-12, AFR 161-4 24 January 1992. These regulations are intended to prevent the introduction and dissemination, domestically or elsewhere, of diseases of humans, plants or animals, prohibited or illegally taken wildlife, arthropod vectors, and pests of health and agricultural importance.

DoD 5030.49 (Transportation), 27 May 1977. Establishes DoD policy, prescribes procedures, defines responsibilities, and outlines customs and certain agricultural inspection and entry requirements to the Customs Territory of the United States. It applies to all DoD Components and non-DoD agencies and organizations that use DoD

mail and transportation channels. It outlines the DoD policy to cooperate fully with and assist all Government agencies in enforcing the laws and regulations of the United States concerning customs, agriculture, and immigration border clearances. US Transportation Command, which now has responsibility for this regulation, is currently rewriting it with the goal of making it a user friendly guide for both import and export policy. The regulation will include procedures for reducing the risk and meeting agricultural inspection requirements.

## **DoD Participation in National Initiatives**

**Federal Interagency Committee for the Management of Noxious and Exotic Weeds:** the FICMNEW was established under an MOU signed by 17 Federal agencies and is responsible for coordinating a Federal government approach for the management of noxious, invasive weeds. This includes providing information about agency needs and making recommendations to departmental leadership on research, technology transfer, and management actions. Cooperating governmental and non-governmental groups seek to advance knowledge and skills, good land stewardship practices, and public awareness of noxious weed issues and management.

**Federal Native Plant Conservation Alliance (PCA):** the PCA is a consortium of ten Federal agencies and over 110 non-federal cooperators representing various disciplines within the conservation field, including biologists, botanists, habitat preservationists, horticulturists, resource management consultants, soil scientists, special interest clubs, nonprofit organizations, concerned citizens, nature lovers, and gardeners. PCA members and cooperators work collectively to solve the problems of native plant extinction and native habitat restoration, ensuring the preservation of our ecosystems.

**Aquatic Nuisance Species Task Force (ANSTF):** Formed as part of the Aquatic Nuisance Prevention and Control Act of 1990. Composed of six federal agency representatives, ex-officio as determined by the co-chair, and regional working panels. Among the purposes of the ANSTF are to prevent unintentional introduction and dispersal of nonindigenous species into waters of the United States through ballast water management and other requirements; to coordinate federally conducted, funded, or authorized research, prevention control, information dissemination, and other activities regarding the zebra mussel and other aquatic nuisance species; and to develop and carry out environmentally sound control methods to prevent, monitor, and control unintentional introductions of nonindigenous species from pathways other than ballast water exchange.

## **DoD Funding in Support of Invasive Species Control**

**Legacy Resource Management Program --** The Legacy Program provides funding for various conservation activities, including invasive species. Annual requests for new proposals are issued by DoD in early January. Pre-proposals are due by March 15. Information is available at <<http://www.dodlegacy.org>>



**Armed Forces Pest Management Board Master Memorandum of Understanding with the U.S. Department of Agriculture (USDA) and the Department of the Interior (DOI)**—Leverages research programs in these departments to support the DoD research requirements for invasive species. <<http://www.afpmb.org>>

**Strategic Environmental Research and Development Program (SERDP)** this year added a statement of need for Invasive Species. Annual requests for new proposals are issued by DoD each fall. Information is available at <http://www.hgl.com/serdp>.

### **DoD Technical Resources - Control of Invasive Species**

*Nuisance and Noxious Plant Management Information System*- The U.S. Army Corps of Engineers Waterways Experiment Station has produced a set of CD-ROMs. The first CD provides detailed information— identification, geographic distribution, and recommended control methods related to 61 invasive terrestrial plants occurring on DoD lands. The second CD, subject to the availability of funding, will provide similar management information for the worst 100 noxious plant species on DoD lands (target date of 2000).

*Aquatic Plant Information System* - This resource would provide similar information on approximately 35 aquatic species.

### **Non-DoD Technical Information Sources**

Series of "Fact Sheets" available at the website of the Native Plant Conservation Initiative Alien Pest Plant Working Group.

<<http://www.nps.gov/plants/alien/moreinfo.htm>>. These fact sheets provide general identification and management information for the average gardener. Fact Sheets are at <<http://www.nps.gov/plants/aliens/factmail.htm>>.

State lists of invasive species -- Many states have web-accessible information on the worst invaders in their states, control and eradication efforts, points of contact for reporting new infestations, and available management options.

Biological Research Division of the U.S. Geological Survey (BRD/USGS) is compiling a massive database of information on invasives. Upon completion, BRD will house information from myriad sources on invasive plant and animal species.

## **COMPONENT INPUT TO NATIONAL INVASIVE SPECIES MANAGEMENT PLAN**

By August 2000, the National Invasive Species Council (NISC) must develop the National Invasive Species Management Plan.

For each of the following areas, please provide a brief narrative, of a paragraph or so and no more than five total pages of input, that addresses current status of your program, program gaps and future program needs:

- Component Point of Contact
- Policies, Guidelines and Regulations
- Control and Management Programs
- Potential Threats and Pathways of Invasive Species
- Operational Considerations
- Budget, Personnel and Other Resources
- Inventory and Monitor
- Education, Training and Outreach
- Research Needs

By July 31, 2000, Components need to provide their input to COL Donald Driggers; Director, Defense Pest Management (ODUSD(ES)/PMB); 3400 Defense Pentagon; Washington, DC 20301-3400. He can be reached by phone at 301-295-7476, Fax at 301-295-7473 (DSN= 295) or e-mail at DRIGGEDP@ACQ.OSD.MIL.